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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,329	02/13/2001	Mitchell Kriegman	F.11152	9809

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NEW YORK, NY 10038-2714

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,329

Applicant(s)

KRIEGMAN, MITCHELL

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2-5 and 7-13 is/are allowed.
- 6) ☒ Claim(s) 2-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-5 and 7-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzidon et al. (US Patent No. 5,737,031) in view of Bunin (US Patent No. 3,070,920).

In considering claim 12, Tzidon et al discloses all the claimed subject matter, note 1) the claimed a virtual production set, including a key-colored background screen, a stage and at least one action puppet character manipulated by puppeteers on said virtual production set is met by the virtual set database and the keyer foreground of Fig. 2 (col. 3, line 30 to col. 4, line16), 2) the claimed at least two (2) cameras, each of said cameras being positioned relative an action puppet character to record, in real-time, at least two action images of said puppet character on said virtual production set, each of said images being taken at the same time from a different camera angle is met by the three cameras 120 positioned in a triangle pointing to the center of the stage to capture the contour of the foreground object 102 from three different directions (Figs. 6 and 7,

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col. 5, lines 1-44), and 3) the claimed means for simultaneously compositing of each of said composited images in a multiple composite image is met by the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44).

However, Tzidon et al explicitly does not disclose 1) the claimed means for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate, and 2) the claimed at least one action puppet character manipulated by puppeteers on said virtual production set.

1) the capability for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate into Tzidon et al's system in order to increase the visualization of the video signal by combining the foreground with the virtual or background image.

2) Bunin teaches that in Fig. 1, separate control rods 11 are attached to the head, stomach and arms of primary form 10. Animation of the human figure show is achieved by manipulation of the remote ends of the rods. The rods are sufficiently long to extend outside the field of view such as to locations behind a curtain so that the operators are hidden (col. 2, line 25 to col. 4, line 65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the one action puppet character manipulated by

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puppeteers as taught by Bunin into Tzidon et al's system in order to produce continuous motion animated characterizations for direct viewing and for motion picture photography and television.

In considering claim 2, the claimed wherein said system comprises two cameras, wherein one of said cameras records an action image of said puppet character from a master camera angle, relative to said virtual studio set, and the other of said cameras records an action image of said puppet character from a different camera angle, relative to said virtual studio set is met by the three cameras 120 positioned in a triangle pointing to the center of the stage to capture the contour of the foreground object 102 from three different directions (Figs. 6 and 7, col. 5, lines 1-44) of Tzidon et al.

In considering claim 3, the claimed wherein each of said composite images of each of said puppet action characters is integrated within the same image frame so as to provide complimentary action images of each of said puppet characters relative to one another is met by the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44) of Tzidon et al.

In considering claim 4, the claimed wherein said composite images are integrated by separate compositing modules, so that each composited image appears within an allocated portion of a given image frame, and each allocated portion of said the image frame is adjusted relative to one another to create depth and/or perspective of one composited image relative to the other is met by keyer talent contour position 1-3 and the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44) of Tzidon et al.

In considering claim 5, the claimed wherein each allocated portion of said the image frame is adjusted relative to one another to create interaction and/or complimentary action of one puppet character from one composited image with another puppet character from another composited image with a given image frame is met by keyer talent contour position 1-3 and the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44) of Tzidon et al.

Claim 13 is rejected for the same reason as discussed in claim 12.

In considering claim 7, the claimed wherein said recording step B comprised comprising recording an action image of said puppet character, on two different cameras, at the same time is met by the three cameras 120 positioned in a triangle pointing to the center of the stage to capture the contour of the foreground object 102 from three different directions (Figs. 6 and 7, col. 5, lines 1-44) of Tzidon et al.

Claims 8-11 are rejected for the same reason as discussed in claims 2-5, respectively.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT
September 8, 2003


MICHAEL H. LEE
PRIMARY EXAMINER